

## **S U M M A R Y**

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**ENTITY**

King County Fire Protection District No. 39

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**ACTION**

Resolution for Partial Merger of King County  
Fire Protection District No. 39 into King County  
Fire Protection District No. 37

**Expiration 45 Days:**

06/26/11

**TITLE**

King County Fire Protection District No. 37/39  
(Partial Merger)

**Board Meeting:**

06/09/11

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**Introduction:**

King County Fire Protection District No. 39 (KCFPD 39) submits this Notice of Intention to enter into a Partial Merger with King County Fire Protection District No. 37 (KCFPD 37). Territory to be removed from KCFPD 39 and merged into KCFPD 37 includes 761 acres of land located entirely within Unincorporated King County.

This partial merger is proposed at the request of the KCFPD 39 (and with the concurrence of KCFPD 37) in order to provide for comprehensive, coordinated, and economic fire and emergency services to the affected territory. KCFPD 37 has the resources and funding necessary to provide a full array of fire prevention and emergency services service to the affected territory.

KCFPD 39 faces potential financial constraints due to statutory limits on fund raising. Specifically, the 761 acre site lies entirely within the boundaries of King County Hospital District No 1 (Valley Medical Center.) Under state law, the King County Hospital District has priority for raising and utilizing tax funding under a pro-rationing taxation allocation system established by statute. The Hospital District's first \$.50/\$1000 of assessed valuation has priority over a fire district's "third" \$.50 of funding. Similarly, other jurisdictions (e.g., flood control districts) would collect the second \$.50 per \$1,000. Those remaining "third" tax funds would be insufficient to enable KCFPD 39 to serve properties within the boundaries of the Fire District.

**Location**

The territory comprising the proposed KCFPD 39 merger into KCFPD 37 is located within Unincorporated King County (and entirely within the boundaries of King County Hospital District No. 1.)

The northern boundary of the site is primarily formed by Frager Road South. The western boundary of the site is primarily formed by 52<sup>nd</sup> Lane South. The eastern boundary is generally formed by 63<sup>rd</sup> Avenue South (if extended.) The southern boundary of the site is generally formed by 43<sup>rd</sup> Street NW (if extended.)

<b>Land Area</b>	The KCFPD 39 territory proposed for merger into KCFPD 37 is 761 acres. Currently, KCFPD 37 is 10,675 acres. There are 64 parcels in the Merger Area.
<b>Land Use</b>	The site includes approximately 32 dwelling units. Approximately 24 parcels are in agricultural uses; commercial uses; and logging/timber related uses. Ten parcels are variously publicly owned (tax-exempt) by Lakehaven Utilities, the City of Kent, and King County.
<b>Population</b>	The Partial Merger Area proposed to join KCFPD 37 has a population of approximately 94 persons. There is a current population of 23,272 in KCFPD 37.
<b>Assessed Valuation</b>	KCFPD 37 has a current value of 4,577,000,000. The Partial Merger Area has a current value of \$19,709,800. Following the Partial Merger, KCFPD 37 would have a total value of \$4,596,709,800.
<b>County Comprehensive Plan Designation/Zoning</b>	King County has designated the majority of the Partial Merger Area for Agricultural Uses (AG) which allows zoning of A-10 (minimum size lot of 10 acres.) Portions of the Partial Merger Area permit residential uses (Single-Family R-4 – four dwelling units per acre.)
<b>City Comprehensive Plan Designation/Zoning</b>	Not Applicable
<b>District Comprehensive Plan</b>	King County Fire District No. 37 – Concurrency Management Plan, City of Kent Fire Department/KCFPD 37 Strategic Plan, Kent Fire Department Standards of Coverage, City of Kent Regional Fire Authority Plan
<b>District Franchise</b>	Not Applicable.
<b>Urban Growth Area (UGA)</b>	The proposed Partial Merger Area from KCFPD 39 to KCFPD 37 addresses lands that are located within the King County Urban Growth Boundary.
<b>SEPA Declaration</b>	Environmental review was conducted for the proposed partial merger of KCFPD 39 into KCFPD 37. A Determination of Non-Significance was completed in April, 2011.

**ENTITIES/AGENCIES NOTIFIED:**

**King County Council Member(s)** Reagan Dunn, Julia Patterson, Pete von Reichbauer

**King County:** Clerk of Council, Department of Natural Resources (DNR); Department of Development and Environmental Services (DDES), Department of Assessments, Department of Transportation (DOT), State Department of Ecology (DOE), King County “911” Program, Office of Management and Budget, Deputy Prosecuting Attorneys’ Office, King County Records and Election Division, Fire Marshal Division, Historic Preservation Program, Puget Sound Regional Council, Community and Human Services, Public Health Department.

**Cities:** Auburn, Covington, Kent

**Fire Districts:** King County Fire Protection District No. 24, Valley Regional Fire Authority

**Water Districts:** City of Kent Water District, Lakehaven Utility District, Soos Creek Water & Sewer District, Cedar River Water & Sewer District

**Sewer Districts:** Lakehaven Utility District, Soos Creek Water & Sewer District, Cedar River Water & Sewer District

**School Districts:** Kent School District No. 415; Federal Way School District No. 210

**Other Agencies:** Muckleshoot Tribe, Duwamish Tribe, Valley Regional Medical Center (King County Hospital District No. 1)

## **SUMMARY      FILE NO. 2328**

King County Fire Protection District No. 39 proposes to merge a 761 acre area into KCFPD 37 pursuant to RCW 52.046. This action would reduce the entirety of KCFPD 39 from 39 square miles to 37.80 square miles.

The territory comprising the proposed KCFPD 39 merger into KCFPD 37 is located within Unincorporated King County (and entirely within the boundaries of King County Hospital District No. 1.) The northern boundary of the site is primarily formed by Frager Road South. The western boundary of the site is primarily formed by 52<sup>nd</sup> Lane South. The eastern boundary is generally formed by 63<sup>rd</sup> Avenue South (if extended.) The southern boundary of the site is generally formed by 43<sup>rd</sup> Street NW (if extended.)

This proposed Partial Merger into KCFPD 37 is proposed at the request of KCFPD 39 in order to provide for comprehensive fire and emergency services to the community. However, KCFPD 39 has determined that because the Partial Merger Area also lies within King County Hospital District No. 1 that "overlap" area could be subject to the pro-rated taxes (per RCW 84.52) as early as 2010. If pro-rationing were to occur, it would adversely impact the entirety of KCFPD 39. Therefore, both KCFPD 39 and KCFPD 37 agree that the citizens would be better served by KCFPD 37 as the fire and emergency service provider.

The KCFPD 39 Partial Merger into KCFPD 37 has been proposed in order to improve the overall level of fire protection service to the greater community. The proposed action would provide KCFPD 37 authority to more effectively administer and directly provide fire/emergency service to the Partial Merger Area. This action would enable the District to obtain sufficient funding (e.g. tax levies) to efficiently provide comprehensive services to the entirety of KCFPD 37 (including the Partial Merger Area.)

In March 2011 and April 2011, KCFPD 37 and KCFPD 39 adopted formal Resolutions supporting the proposed Partial Merger of 761 acres into KCFPD 37.

The Partial Merger Area is located in King County's Urban Unincorporated Area. As such, King County would maintain responsibility for local governance. The Partial Merger Area currently includes varied land uses as identified in the County's Comprehensive Plan. Predominantly designated/zoned for agricultural use and low density residential uses, the Partial Merger Area also includes community commercial parcels, natural areas, and public use lands. All modifications to designations/zoning would be required to be achieved through the King County Comprehensive Plan.

KCFPD 37 representatives addressed jurisdictional planning under the applicable provisions of the Growth Management Act (RCW 36.70A). The Fire Protection District does not plan under the Growth Management Act (GMA), however, the GMA includes several goals and policies supporting services that protect both built environments and natural environments. This action is considered to be consistent with the intent of the GMA because the Fire District has existing and potential resources to serve the existing community and to plan for/implement future services to this growing community. Therefore, KCFPD 39 and KCFPD 37 have jointly determined that fire protection/emergency services can be most effectively provided by effecting the proposed Partial Merger with KCFPD 37.

KCFPD 39 representatives and KCFPD 37 representatives report that the Partial Merger is consistent with applicable provisions of the King County Comprehensive Plan/Countywide Planning Policies. For example, numerous King County Comprehensive Plan policies encourage jurisdictions, special purpose districts, community agencies and citizens to plan as partners for providing public services and facilities (e.g., RP-204, RP-206, F-101, F-102, F-104, F-105, F-203,.) Each of these policies is reported to support the proposed Partial Merger. The proposed Partial Merger would also comply with King County Comprehensive Plan/Countywide Planning Policies FW-39 which calls for services to be established through collaboration with regional agencies.

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Representatives from KCFPD 39 and KCFPD 37 report that the Partial Merger is consistent with the provisions of RCW 36.93 (Boundary Review Board Regulations). For example, RCW 36.93.180 requires that such actions be evaluated with respect to nine objectives. In this application, several key objectives have been identified as being potentially relevant for specific consideration.

More specifically, KCFPD representatives report that the Partial Merger would support the preservation of the community (Objective 1) by offering coordinated services that will protect and enhance existing services to the greater area within the boundaries of KCFPD 37.

Similarly, the proposed Partial Merger will enable a more coordinated, efficient service system for the community, as envisioned in Objective 3, Objective 4, and Objective 7. Existing facilities (e.g., stations, equipment, facilities) will remain in place following the Partial Merger. These facilities are sufficient to serve current and anticipated new customers. However, Fire District No. 37 may provide improvements to selected operating systems over time to improve services to specific areas as appropriate to provide for public safety and welfare.

Citizens of the Partial Merger Area will continue to receive water services from the City of Kent Water District. Properties utilizing sewers – rather than septic systems -- will continue to receive wastewater services from the Soos Creek Water & Sewer District. King County will address storm water management services. Policing will continue to be provided by the King County Sheriff.

Objective 5 and Objective 6 are not applicable to the proposed action.

The proposed Partial Merger will generally have no direct impact on agricultural and resource lands. However, with the Partial Merger, such lands will receive continuing protection by KCFPD 37.

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KCFPD 39 and KCFPD 37 have undertaken a fiscal analysis that provides direction with respect to management of funding resources, revenues and expenditures related to the specific Partial Merger and the provision of services following the transfer of lands to the City to KCFPD 37. More specifically:

- In 2010, KCFPD 39 collected \$23,119 in property tax revenue for fire service in the 1.19 square mile (761 acre) Partial Merger Area. That revenue will be transferred to KCFPD 37 following the Partial Merger.
- In the event that KCFPD 39 does not support this transfer, the agency would be subject to loss of benefits relating to allocation of taxes to other agencies. KCFPD 39 does not use a revenue structure that includes a Fire Benefit Charge. By operation of law, the Hospital District – which underlies the entire site proposed for Partial Merger -- has priority authority to collect the first \$.50. in tax revenues. Other public districts (e.g., flood districts) would collect the second \$.50 per \$1,000. KCFPD 39 would then collect third \$.50 per \$1,000.. Further, owing to statutory limitations, KCFPD 39 faces restrictions against seeking additional funding through taxation.
- KCFPD 37 does use a revenue structure that includes a Fire Benefit Charge. As such, KCFPD 37 could collect monies (up to \$28,000) from this funding source.
- Following the Partial Merger, owners of properties in that Partial Merger Area will experience a lower property tax levy rate (\$1.00 per \$1000 assessed valuation) than the \$1.50 required by KCFPD 39. But some property owners (of developed properties) in the Partial Merger Area may experience an overall increase in cost for fire and emergency services due to the added Fire Benefit Charge assessed by KCFPD 37. Owners of undeveloped properties will not incur the additional Fire Benefit fees.

There will be no change to the EMS levy paid to Medic One as a result of this proposed Partial Merger.

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Fire District No. 37 officials have confidence that the proposed Partial Merger will permit improved economic efficiencies for facilities and operations management thereby providing for effective fire protection and emergency services to benefit the citizens of the area.